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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,985	03/08/2001	Mikael Linden	460-010145-US(PAR)	5859

7590

03/09/2005

Clarence A. Green
Perman & Green, LLP
425 Post Road
Fairfield, CT 06430

EXAMINER

KLIMACH, PAULA W

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,985

Applicant(s)

LINDEN ET AL.

Examiner

Paula W Klimach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 10/12/2004. Original application contained Claims 1-20. Applicant added Claims 21-27, and amended Claims 1-20. Appropriate corrections were made to the specification. The amendment filed on 10/12/2004 have been entered and made of record. Therefore, presently pending claims are 1-27.

Response to Arguments

Applicant's arguments filed 10/12/2004 have been fully considered but they are found persuasive. The delay in citation of the newly discovered prior art is regretted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5, 8, 11, 19-20, 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Tait et al (5,550,358).

In reference to claim 1, Tait discloses a system which is a wireless auxiliary device to be used with another electronic device and provided with means for manual entering of a key code (Fig. 1), wherein said means for entering of a key code comprise at least one selector (part 10 on fig. 1) which is arranged to select said key code or an element of it (column 4 lines 55-62), and wherein a secure wireless data transmission link is arranged to be set up between said auxiliary

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device and said another electronic device, by means of the selected key code (column 4 line 62 to column 5 line 20).

In reference to claims 11 and 19, Tait discloses a method for entering a key code into an electronic device operating as an auxiliary device of another electronic device and being provided with means for manual entering of the key code, the method comprising:

- selecting said key code by using at least one selector, which is arranged for the selection of said key code or its part (column 4 lines 55-62), and
- setting up a secure wireless data transmission link between the auxiliary device and said another electronic device by means the selected key code (column 4 line 65 to column 5 lines 10).

In reference to claim 2, Tait discloses a system wherein the key code is a secret key code or a security code, such as a PIN code (column 4 lines 62-67).

In reference to claim 5 Tait discloses a system wherein the key code consisting of at least two elements, such as numbers, is arranged to be entered by successive selection sequences, wherein each selection sequence corresponds to one said element (Fig. 1).

In reference to claims 8 and 20, wherein the auxiliary device is a wireless portable hands-free set (Part 10 Fig. 1).

In reference to claims 22 and 25, wherein the auxiliary device is a wireless smart card reader (column 5 lines 53-67).

In reference to claims 23-24 and 26, Tait discloses a system wherein said another electronic device is a mobile phone (column 7 lines 10-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 9, 12-14, 15-17, and 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tait in view of Nishiyama (5,436,954).

In reference to claim 3, wherein the selector is rotatable, comprising a roll, wheel or disc part which is arranged to rotate around an axis of rotation which is substantially perpendicular or substantially parallel to the auxiliary device.

Although Tait discloses a selector for entering a Pin (Fig. 1), Tait does not disclose the selector being rotatable.

Nishiyama discloses a portable radiotelephone set provided with a display section includes a rotary selector that turns to select various functions (abstract; Fig. 1 part 8; column 4 lines 11-31).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a rotary selector as in Nishiyama in the system of Tait. One of ordinary skill in the art would have been motivated to do this because both systems are wireless electronics and the rotary selector prevents erroneous buttons being depressed (Nishiyama column 1 lines 48-52).

In reference to claims 9 and 15-16, wherein said selection sequence is composed of at least one predefined position of the selector or at least one predefined motion of the selector, or a combination of said position and said motion.

Although Tait discloses a selector, Tait does not disclose a selector wherein a selection of sequence is composed of at least one predefined position of the selector or at least one predefined motion of the selector or a combination of said position and said motion.

Nishiyama discloses a portable radiotelephone set provided with a display section includes a rotary selector that turns to select various functions (abstract; Fig. 1 part 8). The rotary selector is used to select various functions depending on the position of the selector (column 8 lines 33-67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a rotary selector as in Nishiyama in the system of Tait. One of ordinary skill in the art would have been motivated to do this because both systems are wireless electronics and the rotary selector prevents erroneous buttons being depressed (Nishiyama column 1 lines 48-52)

In reference to claims 12-14 and 17, the method comprising: selecting the key code by rotating each rotatable selector in a predetermined position corresponding to the key code.

Although Tait discloses a system that uses a selector to enter a key code, the selector in Tait does not rotate to a predetermined position corresponding to the key code.

Nishiyama discloses a portable radiotelephone set provided with a display section includes a rotary selector that turns to select various functions (abstract; Fig. 1 part 8). The

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rotary selector is used to select various functions depending on the position of the selector (column 8 lines 33-67).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a rotary selector as in Nishiyama in the system of Tait. One of ordinary skill in the art would have been motivated to do this because both systems are wireless electronics and the rotary selector prevents erroneous buttons being depressed (Nishiyama column 1 lines 48-52)

In reference to claim 27, wherein the auxiliary device is provided without display and keypad.

Although Tait discloses a system that includes a keypad, Tait does not disclose a display.

Nishiyama discloses a system that includes a keypad and a display (Fig. 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the wireless communication device as in Nishiyama in the system of Tait. One of ordinary skill in the art would have been motivated to do this because that device of Nishiyama is a wireless device with more functionality than the hand held (part 10 Fig. 1) device in Tait and would therefore add more functionality.

Claims 4, 6-7, and 18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tait as applied to claims 1 above, and further in view of Rahman et al (5627355).

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In reference to claims 4 and 21, Tait does not disclose the auxiliary device comprises one, and only one, selector which is arranged for entering a key code consisting of at least two elements, such as numbers.

Rahman discloses a card that contains one selector for entering a key code consisting of numbers (Fig. 2 parts 20 and 22).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the one selector as in the system of Rahman in the system of Tait. One of ordinary skill in the art would have been motivated to do this because having one point of activation would reduce the occurrence of errors.

In respect to claims 6 and 18, Tait does not disclose accepting the already selected key code or its selected element, said selector is arranged to be pressed or said auxiliary device is provided with a control button (Activation Button).

Rahman discloses a system wherein accepting the already selected key code (column 2 lines 44-65) is arranged by pressing a control button (Fig. 2 part 20 Activation button).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the one selector as in the system of Rahman in the system of Tait. One of ordinary skill in the art would have been motivated to do this because having one point of activation would reduce the occurrence of errors.

In reference to claim 7, Tait does not expressly disclose storing the selected key code in the memory of the auxiliary device, the means comprising a position detector which is arranged to read the key code selected by the selector and processor controlling the operation for processing and storing the key code in the memory.

Rahman discloses a system in which the selected key code is stored in memory and a position detector is arranged to read the selected key code and a processor controlling the operation for processing and storing the key code in the memory (Fig. 1a).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the one selector as in the system of Rahman in the system of Tait. One of ordinary skill in the art would have been motivated to do this because having one point of activation would reduce the occurrence of errors.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tait and Rahman as applied to claim 9 above, and further in view of Fraccaroli.

Tait and Rahman do not expressly disclose the transmission between said auxiliary device and said another electronic device is arranged to be performed by using a wireless communication method, such as Bluetooth WLAN.

Fraccaroli discloses a cellular wireless device a network using Bluetooth WLAN (column 3 lines 1-30).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Bluetooth WLAN for the transmission between the auxiliary device and another electronic device as in Fraccaroli in the system of Rahman. One of ordinary skill in the art would have been motivated to do this because it would be ideal for systems that do not require long-range communication.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Monday, March 07, 2005


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100